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JOHN R. ASHCROFT  
SECRETARY OF STATE  
STATE OF MISSOURI

ELECTIONS DIVISION  
(573) 751-2301

March 23, 2018

The Honorable Nicole Galloway  
State Auditor  
State Capitol Building  
Jefferson City, MO 65101

RECEIVED

MAR 23 2018

STATE AUDITORS OFFICE

RE: Petition approval request from Brian Hagg regarding a proposed statutory amendment to Chapter 116 (2018-369)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Revised Statutes of Missouri filed by Brian Hagg on March 22, 2018.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written in a cursive style.

John R. Ashcroft

cc: Hon. Joshua D. Hawley  
Sheri Hoffman  
Trish Vincent

Initiative petition for law or constitutional amendment, form—clerical and technical errors to be disregarded, penalties for false signature.—The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative: County ..... Page No. .... It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION To the Honorable ....., Secretary of State for the state of Missouri: We, the undersigned, registered voters of the state of Missouri and ..... County (or city of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the ..... day of ....., ....., and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and ..... County (or city of St. Louis), my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) ..... CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI, COUNTY OF ..... I, ....., being first duly sworn.

NAME SIGNED	DATE	REGISTERED VOTING ADDRESS	ZIP CODE	CONGR. DIST.	NAME Printed

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence, I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and ..... County. FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age. I do .... do not .... (check one) expect to be paid for circulating this petition. If paid, list the payer ..... Signature of Affiant (Person obtaining signatures) ..... (Printed Name of Affiant) ..... Address of Affiant Subscribed and sworn to before me this ..... day of ....., A.D. .... Signature of Notary ..... Address of Notary Notary Public (Seal) My commission expires ..... If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors

This Missouri statute 116.040 sites a Missouri statute 560.021 that has been repealed and replaced as 558.002 but it is not listed. The Missouri statute 560.021 and 558.002 does not apply to this because 560.021 was for corporations and it did not have the class of felonies listed and 558.002 does not have the same defining under the law for what class of felony, or misdemeanor the corporation is to be charged. Missouri Constitution Article I Bill of Rights Section 2 that all persons are created equal and are entitled to equal rights and opportunity under the law:...

State of Missouri Web... Missouri Revisor of Stat...  
 revisor.mo.gov/main/OneSection.aspx?section=116.040&bid=63043&hl=

*Revisor of Statutes*  
 State of Missouri

Publications Constitution  
 About Help / FAQ

Words 1st search term And 2nd search term

Effective 04 Nov 2014, see footnote Chapter 116

Title IX SUFFRAGE AND ELECTIONS

**\*116.040. Initiative petition for law or constitutional amendment, form — clerical and technical errors to be disregarded, penalties for false signature. —** The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County \_\_\_\_\_  
 Page No. \_\_\_\_\_

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable \_\_\_\_\_, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and \_\_\_\_\_ County (or City of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_ County (or City of St.

**\*116.040. Initiative petition for law or constitutional amendment, form — clerical and technical errors to be disregarded, penalties for false signature.** — The following shall be substantially the form of each page of each petition for any law or amendment to the Constitution of the state of Missouri proposed by the initiative:

County \_\_\_\_\_

Page No. \_\_\_\_\_

It is a class A misdemeanor punishable, notwithstanding the provisions of section [560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.]

The Missouri statute 560.021 and 558.002 does not apply to this because 560.021 was for corporations and it did not have the class of felonies listed and 558.002 does not have the same defining under the law for what class of felony, or misdemeanor the corporation is to be charged. Missouri Constitution Article I Bill of Rights Section 2 that all persons are created equal and are entitled to equal rights and opportunity under the law;...

#### INITIATIVE PETITION

To the Honorable \_\_\_\_\_, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and \_\_\_\_\_ County (or City of St. Louis), respectfully order that the following proposed law (or amendment to the constitution) shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_ County (or City of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) \_\_\_\_\_

## CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

		REGISTERED			
NAME	DATE SIGNED	VOTING ADDRESS	ZIP CODE	CONGR. DIST.	NAME
(Signature)		(Street) (City,			(Printed or
		Town or			
		Village)			Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and \_\_\_\_\_ County.

FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do \_\_\_\_\_ do not \_\_\_\_\_ (check one) expect to be paid for circulating this petition. If paid, list the payer \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

(Person obtaining signatures)

\_\_\_\_\_  
(Printed Name of Affiant)\_\_\_\_\_  
Address of Affiant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. \_\_\_\_\_



\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Address of Notary

Notary Public (Seal)

My commission expires \_\_\_\_\_

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117)

Effective 11-04-14

\*Revisor's Note: Section 560.021, as referenced in the form contained in this section, was repealed by S.B. 491, 2014, effective 1-01-17.

**\*116.030. Referendum petition, form — clerical and technical errors to be disregarded, penalties for false signature.** — The following shall be substantially the form of each page of referendum petitions on any law passed by the general assembly of the state of Missouri:

County \_\_\_\_\_

Page No. \_\_\_\_\_

It is a class A misdemeanor punishable, notwithstanding the provisions of section[ 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.]

The Missouri statute 560.021 and 558.002 does not apply to this because 560.021 was for corporations and it did not have the

class of felonies listed and 558.002 does not have the same defining under the law for what class of felony, or misdemeanor the corporation is to be charged. Missouri Constitution Article I Bill of Rights Section 2 that all persons are created equal and are entitled to equal rights and opportunity under the law:...

### PETITION FOR REFERENDUM

To the Honorable \_\_\_\_\_, Secretary of State for the state of Missouri:

We, the undersigned, registered voters of the state of Missouri and \_\_\_\_\_ County (or City of St. Louis), respectfully order that the Senate (or House) Bill No. \_\_\_\_\_ entitled (title of law), passed by the \_\_\_\_\_ general assembly of the state of Missouri, at the \_\_\_\_\_ regular (or special) session of the \_\_\_\_\_ general assembly, shall be referred to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, unless the general assembly shall designate another date, and each for himself or herself says: I have personally signed this petition; I am a registered voter of the state of Missouri and \_\_\_\_\_ County (or City of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

(Official Ballot title) \_\_\_\_\_

### CIRCULATOR'S AFFIDAVIT

State Of Missouri,

County Of \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn, say (print or type names of signers)

### REGISTERED

NAME	DATE SIGNED	VOTING ADDRESS	ZIP CODE	CONGR. DIST.	NAME
(Signature)		(Street) (City, Town or Village)			(Printed or Typed)

(Here follow numbered lines for signers)

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and \_\_\_\_\_ County. FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY.

I am at least 18 years of age. I do \_\_\_\_\_ do not \_\_\_\_\_ (check one) expect to be paid for circulating this petition. If paid, list the payer \_\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

(Person obtaining signatures)

\_\_\_\_\_  
(Printed Name of Affiant)

\_\_\_\_\_  
Address of Affiant

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

Address of Notary

Notary Public (Seal)

My commission expires \_\_\_\_\_

If this form is followed substantially and the requirements of section 116.050 and section 116.080 are met, it shall be sufficient, disregarding clerical and merely technical errors.

(L. 1980 S.B. 658, A.L. 1986 H.B. 1471, et al., A.L. 1997 S.B. 132, A.L. 1999 H.B. 676, A.L. 2013 H.B. 117) Effective 11-04-1 \*Revisor's Note: Section 560.021, as referenced in the form contained in this section, was repealed by S.B. 491, 2014, effective 1-01-17



Is the old Missouri statute that 116.030 and 116.040 got 560.021 from which is for corporations.

## Chapter 560

### FINES

Sec.	
560.011.	Fines for felonies.
560.016.	Fines for misdemeanors and infractions.
560.021.	Fines for corporations.
560.026.	Imposition of fines.
560.031.	Response to nonpayment.
560.036.	Revocation of a fine.

#### Cross Reference

Infractions, limitations on amount of fines, RSMo 560.016

**560.011. Fines for felonies.** — 1. A person who has been convicted of a class C or D felony may be sentenced

(1) To pay a fine which does not exceed five thousand dollars; or

(2) If the offender has gained money or property through the commission of the crime, to pay an amount, fixed by the court, not exceeding double the amount of the offender's gain from the commission of the crime. An individual offender may be fined not more than twenty thousand dollars under this provision.

2. As used in this section the term "gain" means the amount of money or the value of property derived from the commission of the crime. The amount of money or value of property returned to the victim of the crime or seized by or surrendered to lawful authority prior to the time sentence is imposed shall be deducted from the fine. When the court imposes a fine based on gain the court shall make a finding as to the amount of the offender's gain from the crime. If the record does not contain sufficient evidence to support such a finding, the court may conduct a hearing upon the issue.

3. The provisions of this section shall not apply to corporations.

(L. 1977 S.B. 60)

Effective 1-1-79

**560.016. Fines for misdemeanors and infractions.** — 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

(1) For a class A misdemeanor, one thousand dollars;

(2) For a class B misdemeanor, five hundred dollars;

(3) For a class C misdemeanor, five hundred dollars;

(4) For an infraction, two hundred dollars.

2. In lieu of a fine imposed under subsection 1, a person who has been convicted of a misdemeanor or infraction through which he derives "gain" as defined in section 560.011, may be sentenced to a fine which does not exceed double the amount of gain from the commission of the offense. An individual offender may be fined not more than twenty thousand dollars under this provision.

(L. 1977 S.B. 60)

Effective 1-1-79

**560.021. Fines for corporations.** — 1. A sentence to pay a fine, when imposed on a corporation for an offense defined in this code or for an offense defined outside this code for which a special corporate fine is specified, shall be a sentence to pay an amount, fixed by the court, not exceeding:

(1) Ten thousand dollars, when the conviction is of a felony;

(2) Five thousand dollars, when the conviction is of a class A misdemeanor;

(3) Two thousand dollars, when the conviction is of a class B misdemeanor;

(4) One thousand dollars, when the conviction is of a class C misdemeanor;

(5) Five hundred dollars, when the conviction is of an infraction;

(6) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.

2. In the case of an offense defined outside this code, if a special fine for a corporation is expressly specified in the statute that defines the offense, the fine fixed by the court shall be:

(1) An amount within the limits specified in the statute that defines the offense; or

(2) Any higher amount not exceeding double the amount of the corporation's gain from the commission of the offense, as determined under section 560.011.

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(L. 1977 S.B. 60)

Effective 1-1-79

**560.026. Imposition of fines.** — retaining the amount and the method of a fine, the court shall, insofar as practicable, the fine to the burden that payment in view of the financial resources of a The court shall not sentence an offender fine in any amount which will prevent making restitution or reparation to the offense.

2. When any other disposition is a statute, the court shall not sentence a to pay a fine only unless, having nature and circumstances of the offense history and character of the offender opinion that the fine alone will sur protection of the public.

3. The court shall not sentence a to pay a fine in addition to any other authorized by section 557.011, RSM

(1) He has derived a pecuniary gain offense; or

(2) The court is of the opinion that uniquely adapted to deterrence of offense involved or to the correction defendant.

4. When an offender is sentenced fine, the court may provide for the payment made within a specified period of specified installments. If no such made a part of the sentence, the fine payable forthwith.

5. When an offender is sentenced fine, the court shall not impose at the an alternative sentence to be served that the fine is not paid. The respondent to nonpayment shall be deter after the fine has not been paid, as section 560.031.

(L. 1977 S.B. 60)

Effective 1-1-79

**560.031. Response to nonpayment.** When an offender sentenced to pay a fine in the payment of the fine or in any installment court upon motion of the prosecuting upon its own motion may require the cause why he should not be imprisoned. The court may issue a warrant summons for his appearance.